

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: David B Anderson, PO Box 112, Red Lodge, MT 59068
2. Type of action: Application for Beneficial Water Use Permit 43D 30109052
3. Water source name: Unnamed Tributary (UT) to North Fork Dry Creek
4. Location affected by project: Sections 7, 8, 17 and 18, T7S, R21E, Carbon County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from an unnamed tributary (UT) to the North Fork of Dry Creek, by means of a dam and on-stream reservoir, from January 1 to December 31 up to 49.96 AF, from a point in the SWSWSW Section 8, T7S, R21E, Carbon County, for irrigation use from April 20 to October 10. The Applicant proposes to irrigate 10 AC. The place of use is located in SESESE Section 7, W2NWNW Section 17 and E2NENE Section 18, T7S, R21E, Carbon County. The Applicant proposes to utilize an existing 32.45 AF capacity on-stream reservoir. The reservoir was originally built by the Ohio Oil Company in 1932. No claim was filed on the reservoir during the claim filing period and no water rights exist for the reservoir. The reservoir and proposed place of use are approximately 4.2 miles northeast of Red Lodge on the east bench. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Natural Resources and Conservation
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
Montana Natural Heritage Program
Montana Sage Grouse Habitat Conservation Program
United States Fish and Wildlife Service
United State Natural Resource Conservation Service

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – The Montana Department of Fish, Wildlife and Parks does not list the Unnamed Tributary (UT) to North Fork Dry Creek as periodically or chronically dewatered. The proposed use is from an on-stream reservoir that has been in place since 1932 and will not decrease the amount of water in the UT.

Determination: No significant impact

Water quality – The Montana Department of Environmental Quality does not monitor the water quality in the UT. Using some water from the reservoir on the UT for flood irrigation on 10 acres of adjacent land has little potential to affect water quality. There is a slight risk that fertilizer, if applied, could find its way back to the reservoir and into the UT.

Determination: No significant impact

Groundwater – The use of water for flood irrigation will increase infiltration from the irrigation and increase groundwater quantity locally. The total change in infiltration volume is likely to be small because substantial infiltration from the reservoir likely enhances groundwater levels at present.

Determination: No significant impact

DIVERSION WORKS – The diversion works include a pump in the on-stream reservoir and existing irrigation ditches. No channel impacts, flow modifications, barriers or removal of riparian vegetation is proposed. No barriers to migration of animals or fish will ensue.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program, there are no plant species of concern in the project area. There are five animal species of concern including the Golden Eagle, Great Blue Heron, Greater Sage Grouse, Long-billed Curlew and Western Milksnake. No change to habitat necessary for these species is proposed. The irrigation will not create a barrier to fish or flying animals. The project area is within core sage grouse habitat as mapped by the Montana Sage Grouse Habitat Conservation Program. Carolyn Sime in a letter dated May 5, 2016, concluded that the proposed activity was consistent with the Montana Sage Grouse Conservation Strategy. The project will be to irrigate existing agricultural land. No surface disturbance or change in land use is proposed.

Determination: No significant impact

Wetlands – The area immediately south of the reservoir and proposed irrigation is mapped by the United States Fish and Wildlife Service as a freshwater emergent wetland. This area is

characterized by a number of springs that provide water to the UT and the reservoir. No work within the wetland or changes to the wetland are proposed.

Determination: No significant impact

Ponds – The reservoir has been in place since 1932 and no changes are proposed.

Determination: No impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – The dominant soil type in the project area is Charlos loam with low slopes. This is a somewhat poorly drained soil that is prime farmland if irrigated. Flood irrigation will not affect soil quality or stability.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The current vegetation in the area is agricultural. The addition of irrigation will not substantially alter the vegetative cover. There is the potential to spread noxious weeds during the installation of pumps and the distribution of water. It will be the responsibility of the landowner to monitor and prevent the establishment and spread of noxious weeds.

Determination: No significant impact

AIR QUALITY – Irrigation of agricultural land has no potential to alter air quality. Use of the pump will create exhaust.

Determination: No significant impact

HISTORICAL AND ARCHEOLOGICAL SITES – The project area is not on State or Federal Lands.

Determination: Not applicable

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – The only additional demand on environmental resources not already addressed is the need for energy to operate the pump.

Determination: No significant impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals.

Determination: No impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – There are no nearby wilderness areas and no access roads cross the project area. The project is located on the east bench out of Red Lodge, Montana with views of the Beartooth Mountains. No buildings or structures that would block the view are proposed.

Determination: No significant impact

HUMAN HEALTH - Irrigation of agricultural land has no potential to negatively affect human health.

Determination: No impact

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No__**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts are recognized.

Cumulative Impacts: No cumulative impacts are recognized

3. ***Describe any mitigation/stipulation measures:*** None
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The only alternative to the proposed project is the no-action alternative. The no-action alternative prevents the land owner from improving efficiency and production on agricultural land. The no-action alternative has no significant environmental advantages over the proposed project.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
- 2 ***Comments and Responses:*** None
3. ***Finding:***
Yes___ No_X__ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts associated with the proposed project were recognized and the irrigation system may have positive environmental effects. For these reasons, an environmental assessment is the appropriate level of analysis.

Name of person(s) responsible for preparation of EA:

Name: Mark Elison

Title: Hydrologist

Date: 2/3//2016